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BS030356

MAY 04 2007  
U.S. Application No. 10/720,892 Examiner Nelson Art Unit 2109  
Response to February 9, 2007 Office Action

### **REMARKS**

In response to the Office Action dated February 9, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks. The Assignee respectfully submits that the pending claims are ready for allowance.

Claims 2-23 are pending in this application.

### **Allowable Claims**

Examiner Nelson indicates that claims 12 and 13 would be allowable if rewritten. As Examiner Nelson suggests, claims 12 and 13 have been rewritten as independent claims, incorporating all the features of now-canceled claim 1.

Claims 2-11 and 14-23, however, are also allowable. Dependent claims 2-11, for example, have been amended to now depend from allowable claim 12. Dependent claim 14 has been amended to now depend from allowable claim 13. Independent claim 15 has been amended to recite all the features of allowable claim 12. New dependent claims 16-20 depend from allowable claim 13 and, thus, incorporate all its distinguishing features. New independent claim 21 recites all the features of allowable claim 13. New independent claim 22 recites all the features of allowable claim 13. New independent claim 23 recites all the features of allowable claim 12.

So, claims 2-23 are pending, and claims 2-23 deserve a prompt Notice of Allowance.

### **Rejections under § 112**

Claims 1 and 15 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claim 1, however, has been canceled, so the rejection of claim 1 is now moot. Claim 15 has been amended to recite all the features of allowable claim 12, including "permitting

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*the user to negotiate with other service providers of other communications networks to fulfill the request for communications service."* The rejection of claim 15 is thus moot.

### **Rejections under § 102**

The Office rejected claims 1, 5-9, and 13-15 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 5,862,471 to Tiedemann, Jr., *et al.* As claim 13 was indicated allowable, the Assignee assumes claim 13 was mistakenly listed in this rejection.

Claim 1 has been canceled, so the rejection of claim 1 is moot.

Claims 5-9 have been amended to now depend from allowable claim 12, so the rejection of these claims is moot. Claim 14 has been amended to now depend from allowable claim 13, so the rejection is moot. Claim 15 has been amended to recite all the features of allowable claim 12, so this rejection is moot.

### **Rejections under § 103**

The Office rejected claims 2-4 under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann, Jr.* in view of U.S. Patent 6,058,301 to Daniels. Claims 2-4, however, have been amended to now dependent from allowable claim 12. The rejection is now moot.

### **Fees for Excess Claims**

A \$650 excess claim fee is due. Claims 21, 22, and 23 require \$50 for each claim in excess of twenty. Hence \$150 is due for these claims. Moreover, fees are due for each independent claim in excess of three. As amended, independent claim 12 replaces the now-canceled claim 1, no fee is due for claim 12. Claim 15 was originally presented as independent, so no fee is due for independent claim 15. While independent claim 13 is newly presented, the basic filing fee permits three independent claims. So, no fee is due for new independent claim

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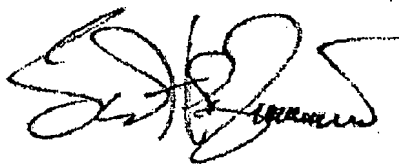
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13. New independent claims 21, 22, and 23, however, require an excess claim fee of \$600. The total excess claim fee is thus \$750.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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